

Entered - 08-08-01 - sb  
CL 01L0507 ALEXIS HOLMES

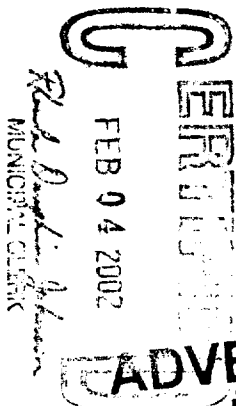
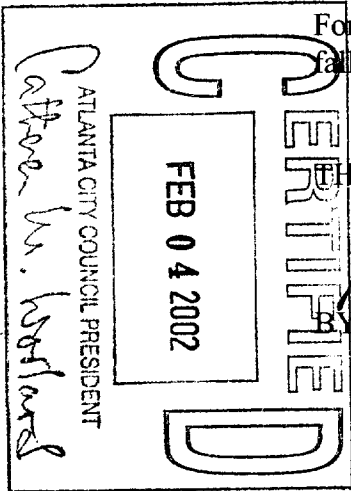
CLAIM OF: **DEUWARD G.F. BULTMAN, III**  
**Through his Insurance Company**  
Allstate Insurance Company  
P.O. Box 21169  
Roanoke, Virginia 24018

**02-R-0129**

For damages alleged to have been sustained as a result of a tree  
falling onto his property on April 17, 2001 at 55 Alden Avenue.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY



ADVERSED BY  
CITY COUNCIL FEB 04 2002

## ADVERSE REPORT

COMM: Public Safety

DATE: JAN 29 2002

CHAIR: Chela Hines

C. T. Martin

Cayla Smith

Paula

Wanda Smith



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 13, 2002

Allstate Insurance Company  
Insurance Carrier  
Attn: Subrogation Recovery Dept.  
P.O. Box 21169  
Roanoke, Virginia 24018

02-R-0129

RE:

Deuward G.F. Bultman, III

Dear Madam/Sir:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0507

Date: 01/07/02

Claimant /Victim DEUWARD G.F. BULTMAN, III  
BY: (Ins. Co.) ALLSTATE Insurance Company  
Address: P.O. Box 21169 Roanoke, Virginia 24018  
Subrogation: X Claim for Property damage \$ 6,478.26 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 8/8/01 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 4/17/01 Place: 55 Alden Avenue  
Department PRCA Division: Parks  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that he sustained property damages when a tree located on a City right-of-way fell after its roots were cut while the City was repairing street curbing and sidewalks. During an investigation it was determined that on May 24, 1996 the City cut and removed roots, and replaced concrete sidewalks from an adjacent property. Prior to the April 17, 2001 occurrence, there were no other reports or complaints made regarding the claimant's property. The City had no notice that the tree was hazardous, and furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

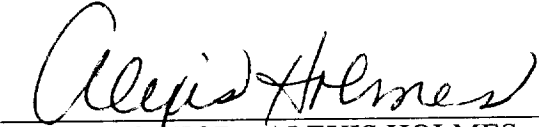
### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Other X Written X Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

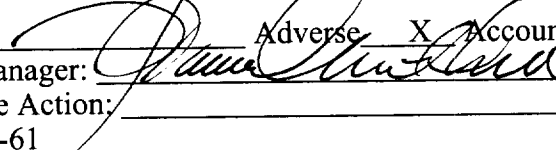
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 01-14-02  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_  
FORM 23-61

RCS# 3449  
2/04/02  
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;  
02-R-0005;02-O-0006;02-R-0193;02-R-0105  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-R-0105  
02-R-0193

CORRECTED COPY

CONSENT I

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**02/04/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON  
CONSENT AGENDA**

15. 02-R-0117
  16. 02-R-0118
  17. 02-R-0119
  18. 02-R-0120
  19. 02-R-0121
  20. 02-R-0122
  21. 02-R-0123
  22. 02-R-0124
  23. 02-R-0125
  24. 02-R-0126
  25. 02-R-0127
  26. 02-R-0128
  27. 02-R-0129
  28. 02-R-0130
  29. 02-R-0131
  30. 02-R-0132
  31. 02-R-0133
  32. 02-R-0134
  33. 02-R-0135
  34. 02-R-0136
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